

Building Blocks for Effective Housing Elements

Adequate Sites Inventory and Analysis

Environmental Constraints and Adequate Infrastructure Capacity

Government Code Section 65583.2(b)(4) requires a general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

I. REQUISITE ANALYSIS

Environmental Constraints

The housing element must analyze the suitability of the sites which are identified for residential development relative to environmental conditions or issues. This analysis should address the degree of certainty the proposed development potential of these sites is subject to, addressing the following:

- a) The housing element must include a general description of any known environmental features (e.g., presence of floodplains, protected wetlands, oak tree preserves) that have the potential to impact the development viability of the identified sites. This site suitability analysis must demonstrate that the existence of these features will not preclude development of the sites identified in the inventory at the projected residential densities/capacities as indicated in the element.
- b) The element should also describe the status of the sites regarding the environmental determinations, along with any adopted mitigation measures, that have been made or are pending for the areas identified, pursuant to the California Environmental Quality Act (CEQA). The element need only describe those environmental constraints where documentation of such conditions is available to the local government.

The analysis could identify which sites would likely be subject to negative declarations or mitigated negative declarations, versus any sites which are not covered by an applicable environmental impact report. For example, many of the sites identified in the land inventory may qualify for one of the exemptions pursuant to CEQA (Public Resource Code Sections 21083.3(e), 21159.21, 21159.22, 21159.23, or 21159.24). The element should also

describe whether any of the sites identified pursuant to Government Code Section 65583.2 are subject to pending litigation on environmental grounds that could impact their availability for development during the planning period; the circumstances should be described in the element.

- c) The analysis could also describe housing element policies or objectives that will result in outcomes with environmental benefits. The element could describe how specific sites in inventory or particular programs or policies will avoid or minimize environmental impacts that might otherwise occur. For example, planned siting of affordable infill housing or higher density transit-oriented development accessible to employment and services are supportive of objectives to minimize an increase in vehicle miles traveled (VMT) or greenhouse gas emissions and air quality objectives.

Also, while the statute requires a general analysis of environmental constraints, local governments will find it beneficial in demonstrating site suitability and realistic buildout capacity to describe site specific environmental conditions (see sample analyses).

Adequate Infrastructure Capacity

Government Code Section 65583.2(b)(5) requires a general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information need not be identified on a site-specific basis.

The element must include a general description of the public infrastructure necessary to serve housing development. The analysis must include a description of how the infrastructure capacity associated with the identified development potential can be accommodated, to establish the feasibility of the sites for development within the planning period. This analysis is also related to the evaluation of development fees and exactions and permit processing, particularly where development fees are planned to enable construction of infrastructure improvements.

The analysis should indicate whether the housing development potential would require expansion or improvement of existing facilities, or new infrastructure development, and should identify the requirements of all applicable agencies, including the county, special districts, and any regional bodies. Where mitigation of particular infrastructure constraints is beyond the capacity of the local government alone (e.g., regional water facility construction, or levee repair), the element should describe what role the local government is or will play in supporting mitigation of the constraint. If the requisite infrastructure capacity is not available upon adoption of the element, the element must include program actions (e.g., implementation of capital improvement plans, financing through

general obligation or special district bonds, etc.) to address infrastructure capacity limitations or shortfalls (see Program Screens).

The element must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient to accommodate development on the identified sites. Those sites in the inventory identified as being suitable and available for housing to accommodate the regional housing need for above moderate-income households, but located in areas not served by public sewer systems, need not be listed on a parcel-by-parcel basis.

Chapter 727, Statutes of 2005 – Water and Sewer Service Priority

Chapter 727, Statutes of 2005 (SB 1087) establishes processes to ensure the effective implementation of Government Code Section 65589.7. This statute requires local governments to provide a copy of the adopted housing element to water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households. Chapter 727 was enacted to improve the effectiveness of the law in facilitating housing development for lower-income families and workers. This memorandum notifies pertinent agencies of these existing and new responsibilities.

For local governments, Chapter 727 now requires all cities and counties to immediately deliver the adopted housing elements of the local general plan and any amendments to water and sewer service providers. The Department recommends that copies of existing housing elements and amendments be submitted to service providers within a month of receipt of this notice. Future updates or amendments to the housing element should be sent within a month after adoption. When submitting copies of housing elements to service providers the Department further recommends inclusion of a summary/quantification of the local government's regional housing need allocation and any other appropriate housing information. Moreover, to effectively implement the law, local governments should consult with water and sewer providers during the development and update of the housing element, as well as sending copies of the adopted plan. This will facilitate effective coordination between local planning and water and sewer service functions to ensure adequate water and sewer capacity is available to accommodate housing needs, especially housing for lower-income households.

For water and sewer providers, Chapter 727 establishes specific procedural requirements to facilitate implementation, such as:

1. Requiring water and sewer providers to adopt written policies and procedures, **no later than July 1, 2006**, that grant priority to proposed development that includes housing affordable to lower-

income households. For private water and sewer companies regulated by the Public Utilities Commission, the commission shall adopt written policies and procedures for use by those companies in a manner consistent with the statute.

2. Prohibiting water and sewer providers from denying or conditioning the approval or reducing the amount of service for an application for development that includes housing affordable to lower-income households, unless specific written findings are made.
3. Requiring Urban Water Management Plans to include projected water use for single-family and multifamily housing needed for lower-income households.

KEY IDEAS

II. HELPFUL HINTS

- Planning and housing department staff should coordinate with the Public Works Department to identify infrastructure improvements planned and prioritized as part of a local Capital Improvement Program (CIP). The CIP is a long range major public infrastructure and planning tool for municipalities and often includes an assessment and strategy statement of the jurisdiction's policies and financial tools to manage the physical development of the community.
- If a portion of the sites identified pursuant to Section 65583.2 are included within an "infill opportunity zone" pursuant to a Congestion Management Plan (CMP) (Government Code Section 65089(a) and 65088.4), the applicable development conditions or exemptions from traffic level of service standards should be described.

III. MODEL ANALYSES

[Sample Sites Inventory](#)

IV. LINKS

[HCD: Memo on Water and Sewer Service Priority for Housing Affordable to low-Income Households](#)